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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/691,977 | 10/24/2003 | Maria Skillas | SKI-001 | 6966 |

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WELSH & FLAXMAN LLC
2450 CRYSTAL DRIVE
SUITE 112
ARLINGTON, VA 22202

EXAMINER

KYLE, MICHAEL J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3676

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/691,977 | Applicant(s) SKILLAS, MARIA | |
| | Examiner Michael J Kyle | Art Unit 3676 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/6/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9; and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by British Patent No. 907,520 (“GB ‘520”). Examiner provides two different interpretations of GB ‘520 as the basis of this rejection. In the first interpretation, examiner considers feature 4 of GB ‘520 to be the first handle, and feature 2 of GB ‘520 to be the second handle. Examiner uses this interpretation to reject claims 1-4 and 10, as follows.

3. With respect to claim 1, GB ‘520 discloses an ergonomic handle comprising a first handle (4) shaped and dimensioned for gripping by an individual and having a first longitudinal axis, and a second handle (2) shaped and dimensioned for gripping by an individual and having a second longitudinal axis. The first handle (4) and second handle (2) are connected such that their respective longitudinal axes are approximately perpendicular.

4. With respect to claims 2 and 3, GB ‘520 shows the first handle (4) oriented for substantially horizontal gripping, and the second handle (2) oriented for substantially vertical gripping.

5. With respect to claim 4, GB ‘520 shows the first handle (4) to include first (right hand side of 4, as shown in figure 1) and second ends (left hand portion of 4 as shown in figure 1), and

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the second handle (2) includes first (top of 2, shown in figure 1) and second (bottom of 2, shown in figure 1) ends.

6. With respect to claim 10, GB '520 shows the first end of the second handle to be provided with a reduced diameter (along 2, in figure 1, where numeral 1 is pointing) when compared to a central portion of the second handle (thicker part below numeral 1, in figure 1). The first end of the second handle is shaped and dimensioned to accommodate the palm and fingers of a hand of a user.

7. In the second interpretation of GB '520, examiner considers the first handle to be feature 2 of GB '520, and the second handle to be feature 4 of GB '520. This interpretation is used to rejection claims 1, 4, 5, 6, and 9 as follows.

8. With respect to claim 1, GB '520 discloses an ergonomic handle comprising a first handle (2) shaped and dimensioned for gripping by an individual and having a first longitudinal axis, and a second handle (4) shaped and dimensioned for gripping by an individual and having a second longitudinal axis. The first handle (2) and second handle (4) are connected such that their respective longitudinal axes are approximately perpendicular.

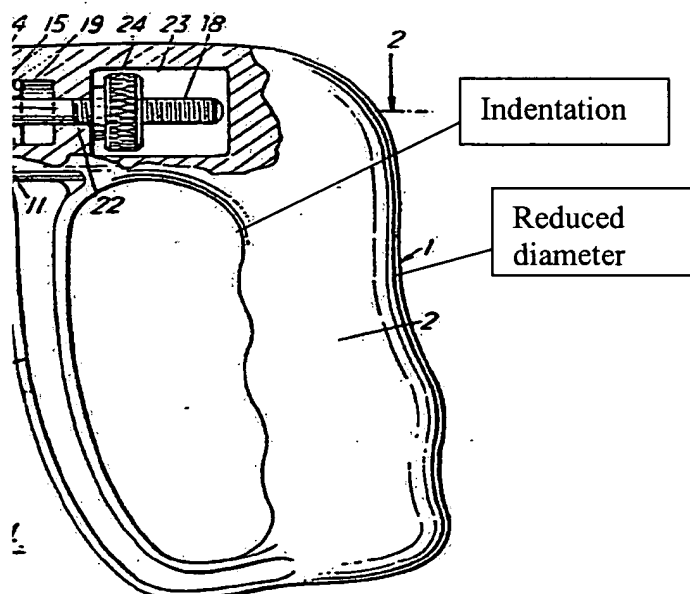
9. With respect to claim 4, GB '520 shows the first handle (2) to include first (top of 2, shown in figure 1) and second ends (bottom of 2, shown in figure 1), and the second handle (4) includes first (left hand side of 4, as shown in figure 1) and second (right hand portion of 4 as shown in figure 1) ends.

10. With respect to claim 5, GB '530 shows the first end of the first handle (2) to be provided with a reduced diameter (along 2, in figure 1, where numeral 1 is pointing) when compared to a

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central portion of the second handle (thicker part below numeral 1, in figure 1). The first end of the first handle is shaped and dimensioned to accommodate the palm and fingers of a hand of a user.

11. With respect to claim 6, GB '520 shows the first end (top) of the first handle (2) to include an indentation (on inner portion 2, series of indentations) shaped and dimensioned for receipt by a thumb of a user.



12. With respect to claim 9, GB '520 shows the first end (left hand portion) of the second handle (4) to be connected directly to the appliance (14). The second end (right hand portion) of the second handle (4) is connected to the first end (top) of the first handle (2).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

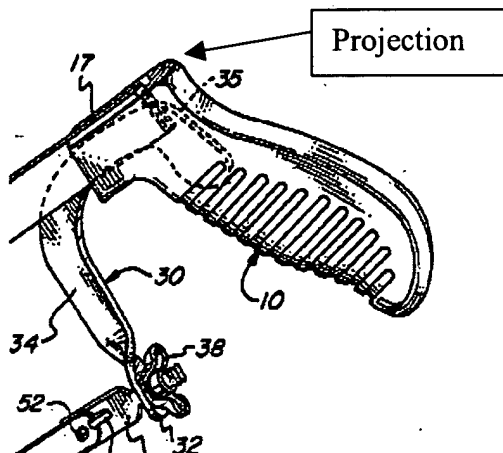
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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB '520 in view of Peppel et al ("Peppel", U.S. Patent No. 6,598,302). The first interpretation of GB '520 fails to show the first handle (4) to include a swivel member shaped and dimensioned for positioning of a thumb of a user thereon. Peppel discloses a grip for an appliance where the grip includes a swivel member (19) shaped and dimensioned for positioning of a user's thumb thereon. This arrangement ergonomically accommodates and protects the user's thumb (column 1, lines 38-40). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify GB '520 as taught by Peppel, such that the first handle member (4) of GB '520 includes a swivel member at the second end, to ergonomically accommodate and protect a user's thumb.

15. With respect to claim 8, GB '520, once modified as taught by Peppel, includes a ridge (31) at a far end of the swivel member to aid a user in positioning a hand thereon.

16. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over GB '520 in view of DeCarolis et al ("DeCarolis", U.S. Patent No. 5,044,083). Neither interpretation of GB '520 provides for a positioning projection at a connection between the first and second handles. DeCarolis teaches a handle for an appliance, where the handle has first and second members (10, and upper portion that receives 17). At the connection of these two members there is a projection (not numbered, shown in figure 1).



This projection provides positive positioning for a users hand on the grip, and enhances the users grip on the appliance. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify GB '520 as taught by DeCarolis, such that GB '520 includes a projection at the connection of the first and second handles, in order to enhance the user's grip on the handle.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references are cited to further show the state of the art with respect to two part handles: Dobosi, Davenport, Rusch et al, Graj et al, Schmid et al, Marion et al, Zemel, and Woolf.

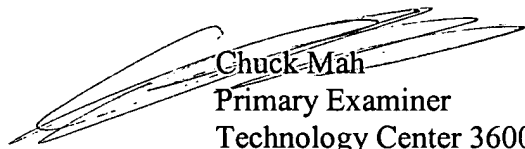
18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

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19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

20. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk



Chuck Mah
Primary Examiner
Technology Center 3600